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6   UNITED STATES DISTRICT COURT

7   DISTRICT OF NEVADA

8   * * * * *

9   FRANK M. PECK,   )
)
10   Plaintiff,   )   3:09-cv-00381-LRH-VPC
)
11   v.   )
)   O R D E R
12   THOMAS, *et al.*,   )
)
13   Defendants.   )
     _____)

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15   Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P.

16   Cooke (#109[1]) entered on February 11, 2013, recommending granting Defendants' Motion for

17   Summary Judgment (#92) filed on October 29, 2012. Plaintiff filed his Objections to Magistrate

18   Judge's Report and Recommendation (#113) on February 25, 2013, and Defendants filed their

19   Response to Plaintiff's Objections (#115) on March 13, 2013. Plaintiff filed his Reply to Response to

20   Objection to Magistrate Judge's Report and Recommendations (#118) on March 25, 2013. This action

21   was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the

22   Rules of Practice of the United States District Court for the District of Nevada.

23   The Court has conducted its *de novo* review in this case, has fully considered the objections of

24   the Plaintiff, the response of the Defendants, the pleadings and memoranda of the parties and other

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26   [1]Refers to court's docket number.

1   relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court

2   determines that the Magistrate Judge's Report and Recommendation (#109) entered on February 11,

3   2013, should be adopted and accepted. Fundamentally, this is an action alleging excessive force and

4   evidence taken in its most favorable view to Plaintiff does not support an excessive force case under

5   the law.

6   IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation

7   (#109) entered on February 11, 2013, is adopted and accepted, and Defendants' Motion for Summary

8   Judgment (#92) is GRANTED.

9   IT IS SO ORDERED.

10   DATED this 29th day of March, 2013.

11   _____

12   LARRY R. HICKS
                                                            UNITED STATES DISTRICT JUDGE

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